

AMENDED IN SENATE AUGUST 18, 2011

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 409**

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**Introduced by Assembly Member Alejo**

February 14, 2011

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An act to add Section 60640.1 to the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL’S DIGEST

AB 409, as amended, Alejo. Pupil assessment: dual language immersion programs.

Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

Existing law authorizes a school district, at its option, to administer to pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, a second achievement test in their primary language.

This bill would authorize the State Department of Education to make these primary language assessments available to school districts and charter schools to assess their nonlimited-English-proficient and

redesignated fluent-English-proficient pupils who are enrolled in a dual language immersion program and would require a school district or charter school that chooses to administer a primary language assessment pursuant to this authority to do so at its own expense and to enter into an agreement for that purpose with the state testing contractor, subject to the approval of the department. *The bill would state legislative findings and declarations regarding primary language assessments.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares that Section*  
2     *60640.1 of the Education Code, as added by this bill, does not*  
3     *require the State Department of Education to develop additional*  
4     *primary language assessments and is not intended to suggest that*  
5     *the department do so.*

6     ~~SECTION 1.~~

7     *SEC. 2.* Section 60640.1 is added to the Education Code, to  
8     read:

9     60640.1. The department may make a primary language  
10    assessment developed pursuant to subparagraph (A) of paragraph  
11    (3) of subdivision (f) of Section 60640 available to school districts  
12    and charter schools to assess their nonlimited-English-proficient  
13    pupils, as defined in Section 60643, and their redesignated  
14    fluent-English-proficient pupils if those pupils are enrolled in a  
15    dual language immersion program that includes the primary  
16    language of the assessment. A school district or charter school that  
17    chooses to administer a primary language assessment pursuant to  
18    this section shall do so at its own expense and shall enter into an  
19    agreement for that purpose with the state testing contractor, as  
20    described in subparagraph (C) of paragraph (3) of subdivision (f)  
21    of Section 60640, subject to the approval of the department. The  
22    cost for the assessment shall be the same for all school districts  
23    and charter schools and shall not exceed the marginal cost of the  
24    assessment.

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